



U.S. Department of Justice

*United States Attorney
Eastern District of New York*

DCP/JPL/JPM/GMM
F. #2012R01716

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Brooklyn, New York 11201*

August 12, 2020

By ECF and Email

The Honorable Nicholas G. Garaufis
United States District Judge
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: United States v. OZ Africa Management GP, LLC
Criminal Docket No. 16-515 (NGG)

Dear Judge Garaufis:

The government respectfully submits this letter in connection with its efforts to notify victims of defendant OZ Africa Management LP, LLC of their potential rights to restitution in the above-referenced matter. After learning of the existence of shareholders of Africo Resources Ltd. ("Africo") who have not yet been advised of their potential status as victims, the government is now endeavoring to expeditiously notify them of their rights prior to presenting any settlement framework to the Court. Set forth below is a description of the government's efforts to notify those recently identified Africo shareholders and a proposed process to identify additional victims and proceed to sentencing.

On August 3, 2020, the government received, for the first time, from counsel for the 68% of Africo Shareholders who are already seeking restitution (the "Identified Victims"), a list of former shareholders of Africo in 2008 (the "Shareholder List"). The Shareholder List contains contact information for approximately 2,000 shareholders who have not yet been contacted by the government or counsel to the Identified Victims. According to counsel for the Identified Victims, the individuals on the Shareholder List who have not been contacted own approximately 2.2 million of the 27 million shares of Africo stock outstanding. Nevertheless, the government respectfully submits, and the parties agree, that the government should make every effort to notify each of the individuals or entities on the Shareholder List of their potential rights as victims. As the Shareholder List contains information that is twelve years old, the government is attempting to update the contact

information for as many shareholders as possible.¹ Once those efforts are complete, the government will send a letter to each name on the Shareholder List (the “Notice Letter”) advising the recipient of the background of the case, their potential status as a victim and the steps necessary for the recipient to advance a claim for restitution. The government will not contact the Identified Victims, who are already represented by counsel.

In order to expedite this process, counsel for the Identified Victims will assist the government with the logistics of mailing the Notice Letters to each recipient identified on the Shareholder List. The Notice Letters will instruct the recipients to contact the government with any restitution claims or other questions, and the government will advocate for appropriate restitution on their behalf. The Notice Letter will include an affidavit of loss, which is designed to ascertain the magnitude of loss, that the recipient will return to the government. Finally, the Notice Letter will advise the recipient that all responses must be received by the government no later than 30 days following the date the letter is postmarked to the recipients. The government currently anticipates that the Notice Letters will be sent to shareholders on August 12 or August 13, 2020.

Once the Notice Letters are sent out, the government will provide counsel to the defendant and the Identified Victims with a weekly update of the number of responses it has received to the Notice Letter, as well as the number of shares represented by those responses. The weekly update, however, will not include the name or other personal/identifying information of the former shareholders. At the end of the 30 day period, the parties will confer and determine whether an additional notice period is necessary and will advise the Court accordingly. Once the government is comfortable that it is not likely to receive any additional responses to the Notice Letter, the government will advise the Court, the defendant and counsel to the Identified Victims of the final tally of additional victims who have come forward and the number of shares represented by those additional

¹ The vast majority of the shareholders on the Shareholder List are located outside of the United States, which presents a significant challenge to obtaining updated contact information.

victims. Following that submission, the parties will advise the Court of their respective positions on proceeding to sentencing in this matter.

Respectfully submitted,

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cc: Clerk of the Court (NGG) (by ECF)
All Counsel of Record (by ECF)